



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** General Services Administration--  
Reconsideration

**File:** B-239007.4

**Date:** December 28, 1990

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### DECISION

The General Services Administration (GSA) requests reconsideration of our decision, Peter N.G. Schwartz Companies Judiciary Square Ltd. Partnership, B-239007.3, Oct. 31, 1990, 90-2 CPD ¶ 353, in which we sustained a protest against GSA's award of a lease to Southwest Market Limited Partnership. We sustained the protest because we found that GSA had conducted misleading and improper discussions with, and had misevaluated the offer submitted by, Schwartz. Because the lease does not contain a termination for convenience clause, we found that Schwartz's relief was limited to recovery of its proposal preparation costs and the costs of pursuing its protest, including attorneys' fees.

Subsequent to our decision, Schwartz filed suit in the United States District Court for the District of Columbia, seeking declaratory and injunctive relief. In particular, Schwartz has requested, among other things, that the court terminate the lease and order GSA either to make award to Schwartz, or to conduct another round of best and final offers. Schwartz's complaint before the court raises the same substantive issues which were considered in the protest which our Office sustained.

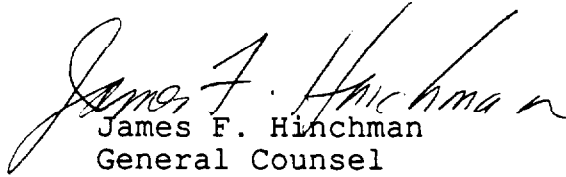
It is our policy not to decide protests where the matter involved is subject to litigation before a court of competent jurisdiction unless the court requests our decision. 4 C.F.R. § 21.9(a) (1990); Robinson Enters.--Recon., B-238594.2, Apr. 19, 1990, 90-1 CPD ¶ 402. Since the substantive merit of the matters raised by the reconsideration request is currently before a court, we will not consider the reconsideration

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request. Meisel Rohrbau GmbH & Co. KG--Recon., 67 Comp. Gen.  
380 (1988), 88-1 CPD ¶ 371.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel